

Message Text

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 EUR-08 NSC-05 INR-05 CIAE-00 PM-03

SP-02 NSCE-00 OMB-01 SAM-01 A-01 SCA-01 /043 W

----- 100966

P 241323Z SEP 75

FM AMEMBASSY ATHENS

TO SECSTATE WASHDC PRIORITY 0596

INFO SECDEF WASHDC PRIORITY

JCS WASHDC PRIORITY

USCINCEUR VAIHAIGEN GERMANY PRIORITY

CINCUSAFE RAMSTEIN GERMANY PRIORITY

USMISSION NATO PRIORITY

USNMR SHAPE BRUSSELS PRIORITY

USDEL MC BRUSSELS PRIORITY

C O N F I D E N T I A L ATHENS 7303

LIMDIS

E.O. 11652: GDS

TAGS: MARR GR US

SUBJECT: STATUS OF FORCES AGREEMENT (SOFA) SUBGROUP

REF: A. ATHENS 7166; B. ATHENS 7203; C. STATE 225772

1. SUMMARY: THE SOFA SUBGROUP MET ON 22 AND 23 SEPTEMBER AND RE-EXAMINED REVISED ARTICLE I, PARA 4 (CIVILIAN COMPONENT), AND ARTICLE III (CUSTODY). ARTICLE VI OF THE US DRAFT (MILITARY POST OFFICES), WAS EXAMINED, MODIFIED AND AGREED. GREEK SIDE ACCEPTED US PROPOSAL TO DEFER SUBSTANTIVE DISCUSSION OF REMAINING ARTICLES TO PERMIT WASHINGTON REPRESENTATIVE ON US DELEGATION TO RETURN TO WASHINGTON ON 24 SEPTEMBER. ACCORDINGLY, MEETINGS ON SEPTEMBER 22 AND 23 WERE LIMITED TO GREEK PRESENTATION OF THEIR PRELIMINARY REACTIONS TO ARTICLES VII THROUGH XIII OF THE US DRAFT. END SUMMARY

WM THE US SIDE FORMALLY SUBMITTED REVISED DRAFT OF PARA 4,
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ARTICLE I (CIVILIAN COMPONENT) AS PROPOSED REF B AND

MODIFIED REF C. THE GREEK SIDE APPEARED TO BE RECEPTIVE TO THIS MANNER OF RESOLUTION OF QUOTE ORDINARILY RESIDENT UNQUOTE ISSUE, AND UNDERTOOK TO PRESENT IT TO THEIR GOVERNMENT FOR CONSIDERATION.

3. THE TWO SIDE AGREED TO SUBMIT THE FOLLOWING REVISION OF US DRAFT ARTICLE III (CUSDOTY) TO THEIR RESPECTIVE GOVERNMENTS FOR CONSIDERATION: QUOTE 1. MEMBERS OF THE UNITED STATES FORCES, THE CIVILIAN COMPONENT, AND THEIR DEPENDENTS, FORMALLY CHARGED BY THE GREEK JUDICIAL AUTHORITIES WITH ACTS CHARACTERIZED BY GREEK LAW AS "CRIMES" SHALL BE SUBJECT TO PRETRIAL CUSTODY BY GREEK AUTHORITIES IN ACCORDANCE WITH THE PROVISIONS OF GREEK LAW. SUCH INDIVIDUALS SHALL BE RELEASED FROM SUCH PRETRIAL CUSTODY WHENEVER A GREEK NATIONAL, UNDER SIMILAR CIRCUMSTANCES, AND CHARGED WITH A LIKE OFFENSE, WOULD BE ELIGIBLE FOR RELEASE UNDER APPLICABLE GREEK LAW. 2. MEMBERS OF THE UNITED STATES FORCES FORMALLY CHARGED BY THE GREEK AUTHORITIES WITH ACTS OR OMISSIONS CHARACTERIZED BY GREEK LAW AS "DELICTS" OR "CONTRAVENTIONS" MAY BE SUBJECTED, AT THE DISCRETION OF THE COMPETENT AUTHORITIES OF THE GOVERNMENT OF GREECE, TO SUCH CONDITIONS OTHER THAN PHYSICAL RESTRAINT AS MAY BE PRESCRIBED BY GREEK LAW TO ENSURE THEIR CONTINUED PRESENCE IN GREECE PENDING FINAL DISPOSITION OF THE CHARGES. THE PROVISIONS OF THIS PARAGRAPH SHALL ALSO APPLY TO MEMBERS OF THE CIVILIAN COMPONENT AND TO DEPENDENTS UNLESS THE GREEK JUDICIAL AUTHORITIES FORMALLY DETERMINE IN ACCORDANCE WITH GREEK LAW THAT THE FAILURE TO IMPOSE PHYSICAL RESTRAINT UPON SUCH PERSONS WOULD CONSTITUTE A DANGER TO PUBLIC ORDER. 3. WHERE CASH BAIL WOULD OTHERWISE BE REQUIRED BY GREEK LAW AS A CONDITION FOR THE RELEASE OF A MEMBER OF THE UNITED STATES FORCES FROM PRETRIAL CUSTODY, A DULY EXECUTED CERTIFICATE OF THE MILITARY AUTHORITIES OF THE UNITED STATES GUARANTEEING THE MEMBER'S APPEARANCE BEFORE THE COMPETENT GREEK AUTHORITIES IN ANY PROCEEDINGS THAT MAY REQUIRE THE MEMBER'S PRESENCE SHALL BE ACCEPTED IN LIEU OF BAIL. UNQUOTE

94. KOMMENT: THIS FORMULATION IS ESSENTIALLY THE SAME AS CONFIDENTIAL

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THAT CONTAINED IN THE US DRAFT WHICH HAS BEEN MODIFIED TO ACCOMMODATE THE GREEK CATEGORIZATION OF CRIMINAL OFFENSES. THE PRACTICAL RESULT REDUCES THE CRITERION FOR A SERIOUS OFFENSE FROM TEN TO FIVE YEARS CONFINEMENT. PARA 2 WAS REVISED AT GREEK INSTSTENCE IN ORDER TO PERMIT MEMBERS OF THE CIVILIAN COMPONENT OR DEPENDENTS WHO ARE CHARGED WITH DELICTS AND WHO ARE DETERMINED TO BE DANGEROUS TO PUBLIC ORDER, TO BE CONFINED PRIOR TO TRIAL. THIS STEMS

FROM GREEK AWARENESS THAT US MILITARY AUTHORITIES COULD NOT CONFINE SUCH AN ACCUSED. END COMMENT

5. ARTICLE VI OF THE US DRAFT (MILITARY POST OFFICES) WAS EXAMINED. THE GREEK SIDE INITIALLY INSISTED THAT MILITARY POST OFFICES MUST BE LOCATED ON US FACILITIES, THAT THEY MUST OPERATE IN COMPLIANCE WITH GREEK CUSTOMS LAWS, AND THAT GREEK CUSTOMS OFFICIALS MUST BE PERMITTED TO INSPECT PRIVATE PARCELS. AFTER THOROUGH DISCUSSION THE FOLLOWING HAS BEEN AGREED: QUOTE 1. THE GOVERNMENT OF THE UNITED STATES MAY ESTABLISH AND OPERATE, WITH THE FACILITIES USED BY THE UNITED STATES FORCES, UNITED STATES MILITARY POST OFFICES FOR THE EXCLUSIVE USE OF MEMBERS OF THE UNITED STATES FORCES, THE CIVILIAN COMPONENT, AND THEIR DEPENDENTS. 2. THE UNITED STATES AUTHORITIES SHALL TAKE APPROPRIATE MEASURES TO ENSURE THAT THE ENTRANCE OF ITEMS INTO GREECE THROUGH THE UNITED STATES MILITARY POSTAL CHANNELS SHALL BE IN STRICT CONFORMANCE WITH THE TERMS OF THE NATO STATUS OF FORCES AGREEMENT AND OF ARTICLE VII, PARAGRAPH 1 OF THIS AGREEMENT. 3. INSPECTION OF PRIVATE PARCELS IN UNITED STATES MILITARY POSTAL CHANNELS WHICH MAY BE REQUIRED BY THE CUSTOMS REGULATIONS OF THE GOVERNMENT OF GREECE MAY BE CONDUCTED BY GREEK CUSTOMS AUTHORITIES IN ACCORDANCE WITH PROCEDURES TO BE AGREED BY THE COMPETENT AUTHORITIES OF THE TWO GOVERNMENTS. QUOTE

6. COMMENT: THE TWO SIDES FURTHER AGREED THAT THE PROCEDURES CONTEMPLATED BY PARA 3 WOULD BE PREMISED UPON THE FOLLOWING BASIC PRINCIPLES: QUOTE LETTER MAIL AND OFFICIAL PARCELS IN UNITED STATES MILITARY POSTAL CHANNELS SHALL NOT BE SUBJECT TO GREEK CUSTOMS INSPECTION. GREEK CUSTOMS AUTHORITIES MAY INSPECT PRIVATE PARCELS IN THE UNITED

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STATES MILITARY POSTAL CHANNELS ON A RANDOM SAMPLE BASIS IN A MANNER THAT WILL NOT DAMAGE THE CONTENTS OF THE PARCELS, OR DELAY DELIVERY OF THE MAIL, AND AT NO COST TO THE UNITED STATES GOVERNMENT. SUCH INSPECTIONS WILL BE CONDUCTED IN UNITED STATES MILITARY POSTAL FACILITIES IN THE PRESENCE OF UNITED STATES AUTHORITIES. PARCELS SO INSPECTED WILL NOT BE REMOVED FROM UNITED STATES POSTAL CHANNELS BY GREEK CUSTOMS AUTHORITIES EXCEPT AS AGREED BY UNITED STATES AUTHORITIES. UNQUOTE END COMMENT

7. WORK OF SOFA SUBCOMMITTEE WAS FORESHORTENED BY CMDR. GRUNAWALT'S RETURN TO WASHINGTON EARLIER THAN ANTICIPATED. WHEN NEED FOR HIS EARLY DEPARTURE WAS EXPLAINED TO GREEK DELEGATION, THEY SUGGESTED THAT THEY PROVIDE PRELIMINARY GREEK REACTIONS TO REMAINING SEVEN ARTICLES OF US DRAFT

SO AS TO FACILITATE US PREPARATIONS FOR RESUMPTION OF
DETAILED EXAMINATION OF THAT DRAFT. US DELEGATION
ACCEPTED THIS PROPOSAL, HEARD GREEK REACTIONS TO ARTICLES
VI THROUGH XIII, SOUGHT CLARIFICATION OF UNDERLYING
REASONS FOR SOME GREEK REACTIONS, BUT WAS UNABLE IN BRIEFH
PERIOD AVAILABLE TO RESPOND TO OR TO DISCUSS IN DETAIL
ANY OF GREEK POSITIONS. IT WAS TENTATIVELY AGREED THAT
DETAILED EXAMINATION OF ARTICLES VII THROUGH XIII WOULD
TAKE PLACE DURING WEEK OF OCTOBER 20-24, OR AS SOON AS
POSSIBLE THEREAFTER.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, NEGOTIATIONS, STATUS OF FORCES AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 SEP 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975ATHENS07303
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750331-0126
From: ATHENS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750919/aaaaaqvo.tel
Line Count: 180
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: 75 ATHENS 7166, 75 ATHENS 7203, 75 STATE 225772
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 22 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 APR 2003 by BoyleJA>; APPROVED <09 OCT 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STATUS OF FORCES AGREEMENT (SOFA) SUBGROUP
TAGS: MARR, GR, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006